

REMARKS

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested. This Amendment should be entered under Rule 116 because it places this application in condition for allowance.

The Examiner's indication of allowable subject matter is noted with appreciation.

Claims 1-14, 22 and 24-32 are pending in the application. Claims 21 and 23 have been cancelled without prejudice or disclaimer. *Allowable* claim 24 has been rewritten in independent form including all limitations of base claim 22 and intervening claim 23. Claim 24 also reflects the change in the preamble as now presented in amended independent claim 22. Claim 22 has been further revised to have substantially the same scope as *allowable* claim 1. Claim 23 has been cancelled in view of the changes made to claim 22. Claim 32 has been amended to depend on claim 22. No new matter has been introduced through the foregoing amendments.

The **objection to claim 22** is believed overcome in view of the above amendments.

Applicants further note that the cited portions of *MPEP*, i.e., sections 2111.03 and 2111.04, only include guidance as to how to interpret certain transitional phrases. The *MPEP* sections do not require that a claim must include one of the listed transitional phrases.

The **art rejections** relying on *Judge* and additionally *Spiegel* are also believed overcome in view of the amendments to independent claim 22. Namely, amended claim 22 now has substantially the same scope as independent claim 1 which has been kindly indicated to be free of prior art by the Examiner. In addition, the "white list" of *Judge* is believed distinguishable from the claimed record for the reasons presented in the previous Amendment, at page 15, line 5 from bottom through page 16, line 5 from bottom. The deficiency of *Judge* is not deemed curable by the teaching reference of *Spiegel*, and therefore claim 22 is patentable over the applied art of record.

The dependent claims are considered patentable at least for the reasons advanced with respect to the respective independent claims.

The **double patenting rejections** are obviated through the submission of the attached

Terminal Disclaimers. It should be noted that the filing of the attached Terminal Disclaimers is not an admission of the propriety of the Examiner's rejection.

All objections and rejections having been addressed, it is respectfully submitted that the application is in condition for allowance and a Notice to that effect is earnestly solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 08-2025 and please credit any excess fees to such deposit account.

Respectfully submitted,

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